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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,956	07/21/2003	Miguel Angel Larios	50304/PY1/C1022	6274
23363	7590	12/15/2005	EXAMINER	
CHRISTIE, PARKER & HALE, LLP			CAVALLARI, DANIEL J	
PO BOX 7068			ART UNIT	
PASADENA, CA 91109-7068			PAPER NUMBER	
			2836	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/624,956	Applicant(s) LARIOS ET AL.	
	Examiner Daniel J. Cavallari	Art Unit 2836	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/2/2004</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

References <http://www.intermatic.com/?action=cat&cid=4> and <http://www.intermatic.com/?action=div&div=24> fail to be accompanied with a copy of the web page and therefore cannot be considered.

The information disclosure statement (IDS) submitted on 2/2/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the remained of the references in the information disclosure statement is being considered by the examiner.

### ***Claim Objections***

Claim 1 is objected to because of the following informalities:

Claim 1 recites the limitation "the first line voltage" however a first line voltage is not previously disclosed. The examiner notes that a "first line voltage receptacle" is disclosed but not a "first line voltage" therefore, there is insufficient antecedent basis for this limitation in the claim.

The claim will be examined as best understood to mean "a first line voltage"

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The term "partially" in claim 12 is a relative term which renders the claim indefinite. The term "partially" is not defined by the claim, the specification does not

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provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Because of the 112 problems with this claim, no art can be applied.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, & 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jegers et al. (4,729,375).

In regard to Claims 1, 4, 6, & 9

Jegers et al. teaches

- An enclosure, read on by case 30 (See Figure 2 & Column 4, Lines 8-10)
- A first and second line voltage receptacle (24) mounted on an enclosure (30) read on by receptacles of modules b & c (See Figure 2 & Column 4, Lines 8-29)
- A low voltage receptacle (28.1) connected to transformer (25)
- A first timer (27) coupled to the first receptacle (24) and configured to control output of voltage supplied from a first line voltage, read on by the voltage on the primary side of the transformer (25) (See Column 4, Lines 8-29) and a second

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timer (27) coupled to the low voltage receptacle and configured to control output of voltage supplied from the low voltage receptacle (See Figure 2 & Column 4, Lines 24-30)

In regard to Claim 2

- The enclosure (30) being mountable on a counter top (See Column 2, lines 54-59)

In regard to Claim 3

- An input voltage line (23) coupled to the enclosure and configured to continuously supply voltage to the first line voltage (See Figure 2 and Column 4, Lines 1-7)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 7, & 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jegers et al. and Carlson (US 6,121,765).

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Incorporating all arguments above, Jegers et al. teaches the use of transformer (25) with a primary and secondary winding (See Figure 2) for supplying a receptacle with a reduced voltage but fails to teach the transformer having a copper shield separating the primary winding from the secondary winding,

Carlson teaches a transformer with a copper shield (134, 138) separating the primary and secondary winding (See Figure 4 & Column 6, Lines 14-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the shielding taught by Carlson into the power control center of Jegers et al. The motivation would have been to protect the connected electrical devices from transient voltages (See Abstract).

Jegers et al. further teaches

In regard to Claim 8

- A power source remotely located from the enclosure (30) and coupled to the input voltage line (23) (See Column 6, Lines 1-3)

Claims 10, 17, & 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jegers et al. and Lopez (US 5,879,184).

Incorporating all arguments above of the power control apparatus taught by Jegers et al., Jegers et al. teaches a first and second timer coupled to a first line voltage

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and a low voltage receptacle for controlling the power to the low voltage receptacle but fails to teach controlling, regulating, the voltage to the first line voltage.

Lopes teaches a power control apparatus that includes a timer for controlling a first line voltage. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a timed output receptacle as taught by Lopez into the power control device of Jegers et al. The motivation would have been to provide controlled power to devices requiring a higher voltage than the voltage provided from the low voltage receptacle.

Claims 11, 13, & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jegers et al. and Ericksen (US 5,245,507)

Incorporating all arguments above of the power control apparatus taught by Jegers et al., Jegers et al. teaches an enclosure, read on by case (30) but fails to teach a covered enclosure.

Erickson teaches a weather resistant container for a power control apparatus which includes a curved, movable cover (33) extending over receptacles and timers (See Figure 3 & Column 1, Lines 51-68) in which a first and second voltage connection to the receptacles extend away from the enclosure and the inside portion of the cover (See Figure 3 & Column 2, Lines 17-26). The cover being made from an impact and water resistant material (See Column 2, Lines 64-67).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the weather resistant case taught by Erickson with the power control device of Jegers et al. The motivation would have been to provide the ability to locate the electrical equipment outside in order to save space in the interior of a building or connect the control apparatus to an exterior electrical panel.

Erickson teaches a cover for a power control apparatus but is silent as to the color of the cover.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a transparent cover since it has been held that where the general conditions of a claim are disclosed in the prior art, it is not inventive to change aesthetics. *In re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947)

The motivation would have been to provide a cover which makes the device aesthetically pleasing while not interfering with its operation.

Claims 19, 20, & 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jegers et al., Lopez and Erickson.

Incorporating all arguments above and noting that Jegers et al. and Lopez teaches a first (24) and second line voltage line voltage supplied through first and second line receptacles and a low voltage supplied through a low voltage receptacle



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mounted on an closure (30) (See Figure 1 & 2 en). Jegers et al. fails to teach a covering for the receptacles.

Erickson teaches a weather resistant container for a power control center apparatus which includes a curved, movable cover (33) extending over receptacles and timers (See Figure 3 & Column 1, Lines 51-68) in which a first and second voltage connection to the receptacles extend away from the enclosure and the inside portion of the cover (See Figure 3 & Column 2, Lines 17-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the weather resistant case taught by Erickson with the power control device of Jegers et al. The motivation would have been to provide the ability to locate the electrical equipment outside in order to save space in the interior of a building or connect the control apparatus to an exterior electrical panel.

In regard to Claim 21

Jegers et al teaches

- An enclosure (30) having a plurality of sides, a top and a bottom (See Figures 1 & 5)
- A first and second line voltage (24) mounted on one of the plurality of sides, read on by the power supply and module (b) of Figure 1 (See Figures 1 & 5)
- A low voltage receptacle (26) mounted on the one of the plurality of sides (See Figure 5) and controlled by a timer (See Figure 2 & Column 4, Lines 24-30)

Jegers et al. teaches a first and second timer coupled to a first line voltage and a low voltage receptacle for controlling the power to the low voltage receptacle but fails to teach controlling, regulating, the voltage to the first line voltage with a timer.

Lopes teaches a power control apparatus that includes a timer with a display mounted on a side, read on by dial (14) and actuator, read on by switch (34) (See Column 3, Lines 38-48) for controlling a first line voltage. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a timed output receptacle as taught by Lopez into the power control device of Jegers et al. The motivation would have been to provide controlled power to devices requiring a higher voltage than the voltage provided from the low voltage receptacle and a timer with a display and actuator to easily program the timing of the devices.

Jegers et al. fails to teach a covering for the receptacles.

Erickson teaches a weather resistant container for a power control center apparatus which includes a curved, movable cover (33) extending over receptacles and timers (See Figure 3 & Column 1, Lines 51-68) in which a first and second voltage connection to the receptacles extend away from the enclosure and the inside portion of the cover (See Figure 3 & Column 2, Lines 17-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the weather resistant case taught by Erickson with the power control device of Jegers et al. The motivation would have been to provide the

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ability to locate the electrical equipment outside in order to save space in the interior of a building or connect the control apparatus to an exterior electrical panel.

Erickson teaches an input voltage line (23) built into the enclosure (30) having one end extending out from the side of the enclosure (See 5) but fails to teach the line extending from the bottom of the enclosure.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a transparent cover since it has been held that where the general conditions of a claim are disclosed in the prior art, it is not inventive to shift location of parts. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950)

The motivation would have been to provide the input voltage line in a convenient location relative to the supplying power source.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jegers et al. Jegers et al., Lopez and Erickson, and Carlson.

Incorporating all arguments above, Jegers et al. teaches the use of transformer (25) with a primary and secondary winding (See Figure 2) for supplying a receptacle with a reduced voltage but fails to teach the transformer having a copper shield separating the primary winding from the secondary winding,

Carlson teaches a transformer with a copper shield (134, 138) separating the primary and secondary winding (See Figure 4 & Column 6, Lines 14-31).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the shielding taught by Carlson into the power control center of Jegers et al. The motivation would have been to protect the connected electrical devices from transient voltages (See Abstract).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Miller et al. (US 5,992,447) teaches a power control apparatus including a weather protective case and electrical outlets coupled to a timer (216) (See Figure 5 & Column 5, Lines 58-67)
- Kram (US 5,742,466) teaches a power control device with multiple individually timed controlled receptacles (See Figure 1)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Cavallari whose telephone number is (571)272-8541. The examiner can normally be reached on Monday-Friday 8:30-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571)272-2800 x36. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DJC

December 5, 2005



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